

Message Text

CONFIDENTIAL

PAGE 01 LISBON 02258 01 OF 02 181904Z

42

ACTION EUR-12

INFO OCT-01 ISO-00 SCCT-01 IO-10 SAM-01 OMB-01 SY-05

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C O N F I D E N T I A L SECTION 1 OF 2 LISBON 2258

E.O. 11652: GDS

TAGS: PINT, PO

SUBJ: ARRESTS AND HUMAN RIGHTS

REF: (A) LISBON 2045 AND PREVIOUS (B) LISBON A-37 (C) LISBON A-58

SUMMARY: FRAGMENTARY REPORTS ON ARRESTS IN PORTUGAL HAVE CREATED CONFUSING PICTURE FOR OUTSIDERS. THIS MESSAGE SEEKS TO IDENTIFY ARREST CATEGORIES, DEFINE SOME OF THEIR CHARACTERISTICS, AND INDICATE IMPLICATIONS THEY MAY HOLD FOR FUTURE OF CIVIL LIBERTIES IN PORTUGAL. END SUMMARY.

1. EMBASSY IS AWARE OF NUMEROUS REPORTS IN INTERNATIONAL PRESS CONCERNING ARREST SITUATION IN PORTUGAL. SOME NEWS ACCOUNTS HAVE SPOKEN IN TERMS OF MORE "POLITICAL PRISONERS" IN PORTUGUESE JAILS TODAY THAN WAS TRUE UNDER SALAZAR/CAETANO REGIMES. SUCH ACCOUNTS HAVE BEEN SPURRED BY WAVE OF JAILINGS FOLLOWING IN WAKE OF ABORTIVE MARCH 11 COUP ATTEMPT, WHICH ITSELF FOLLOWED BY LESS THAN SIX MONTHS ARREST WAVE CONNECTED TO SEPTEMBER 28 "SILENT MAJORITY" INCIDENTS.

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PAGE 02 LISBON 02258 01 OF 02 181904Z

2. LISBON A-37 (REF B) OUTLINED SOME OF THE FACTORS MAKING FOR

COMPLEX, CONFUSING SITUATION. FUNDAMENTAL TO UNDERSTANDING IS FACT THAT TWO PARALLEL SYSTEMS OF JUSTICE ARE INVOLVED: A CIVIL CODE, ADMINISTERED BY PROFESSIONALS, WITH OFFENSES, PUNISHMENTS, REMEDIES, AND PROCEDURES OUTLINED; AND A SYSTEM OF MILITARY JUSTICE, HAVING FAR FEWER PROFESSIONAL RESOURCES, YET BURDENED WITH BULK OF RESPONSIBILITIES FOR HANDLING ARRESTS. UNDER BEST OF CIRCUMSTANCES THIS DIVISION WOULD HAVE PROVED CUMBERSOME, AND CONTINUING RUSH OF EVENTS OVER LAST ELEVEN MONTHS HAS NOT HELPED TO ESTABLISH FAVORABLE CIRCUMSTANCES. AS A RESULT CERTAIN CATEGORIES OF PRISONERS HAVE WOUND UP VIRTUALLY IN LIMBO, OTHERS HAVE BEEN IMPRISONED (THEN RELEASED) WITHOUT EXPLANATION, AND IN ONLY A FEW CASES HAS IT BEEN POSSIBLE TO ATTRIBUTE FACTS AND RESPONSIBILITY CLEARLY FROM INITIAL ARREST TO ULTIMATE DISPOSITION.

3. ARREST CATEGORIES: VARIOUS CATEGORIES OF POLITICALLY-RELATED ARRESTS WERE DESCRIBED IN REF B; AN UPDATING (POST-MARCH 11) WAS PROVIDED IN REF A. FOLLOWING REVIEW COVERS MAJOR CURRENT DIVISIONS:

(A) SECRET POLICE (PIDE/DGS), PORTUGUESE LEGION--AN ESTIMATED 1800 PERSONS (ALL MEMBERS OF SECRET POLICE, ALL OFFICERS OF GIVEN RANK IN LEGION) WERE ARRESTED AFTER APRIL 25; NONE HAS BEEN CHARGED, NONE TRIED; MILITARY HAS JURISDICTION, BUT MILITARY BODY ESTABLISHED TO DEAL WITH THESE CASES ONLY HAS INVESTIGATING AUTHORITY, INVOLVING ACCUMULATION OF INCRIMINATING EVIDENCE.

(B) MARCH 11 "PORTUGUESE LIBERATION ARMY" (ELP)--PRESS HAS CARRIED NAMES OR REFERRED TO APPROXIMATELY 210 PERSONS ARRESTED IN CONNECTION WITH ON-GOING INVESTIGATIONS; SPECIALLY ESTABLISHED MILITARY BODY, HEADED BY REVOLUTIONARY COUNCIL MEMBER ADMIRAL ROSA COUTINHO, HAS AUTHORITY FOR INVESTIGATING AND, WHERE EVIDENCE OF COMPLICITY IS INSUFFICIENT, RELEASING PERSONS ARRESTED; REVOLUTIONARY COUNCIL SPOKESMAN CAPT. VASCO LOURENCO STATED THAT SPECIALLY CREATED REVOLUTIONARY TRIBUNAL WOULD TRY THESE CASES, NUMBERING "ABOUT 140 MILITARY AND 20 CIVILIANS."

(COMMENT: LOURENCO'S FIGURES DO NOT CORRESPOND COMPLETELY WITH THOSE EMBASSY HAS PUT TOGETHER ON BASIS PRESS REPORTS. OUR HEAD COUNT SHOWS APPROXIMATELY 120 MILITARY OR PARAMILITARY ARRESTS, AND SUBSTANTIALLY MORE THAN 20 CIVILIAN ARRESTS. CONCERNING LATTER FIGURE, HOWEVER, LOURENCO MAY HAVE BEEN TAKING INTO ACCOUNT ALREADY EFFECTED RELEASES OF CIVILIANS, NOT ALL OF WHICH

CONFIDENTIAL

PAGE 03 LISBON 02258 01 OF 02 181904Z

ARE BEING REPORTED FAITHFULLY IN PRESS.)

(C) SECRET POLICE INFORMERS--AT LEAST 16 PERSONS HAVE BEEN ARRESTED AS INFORMERS, ALTHOUGH FAR LONGER LISTS OF NAMES HAVE BEEN PUBLISHED IN THE PRESS WITHOUT, APPARENTLY, ANY MORE SERIOUS RETRIBUTION THAN BAD PUBLICITY; THEORETICALLY THESE CASES FALL UNDER CIVILIAN JURISDICTION, BUT OLD REGIME LEFT NO LAWS ON THE BOOKS MAKING IT A CRIME FOR INFORMERS TO HAVE INFORMED OR HAVE ACCEPTED PAYMENT FOR THEIR

SERVICES TO SECRET POLICE.

(D) ELECTORAL LAW VIOLATIONS--NO FIGURES ARE AVAILABLE ON ARRESTS MADE IN VARIOUS LOCALITIES THROUGHOUT COUNTRY BY POLICE OR MILITARY AUTHORITIES IN CONNECTION WITH ELECTORAL LAW OFFENSES, MOST OF WHICH INVOLVE TEARING DOWN OR DEFACING CAMPAIGN PROPAGANDA; MAOIST MRPP HAS CHARGED THAT CLOSE TO 200 OF ITS MILITANTS HAVE BEEN ARRESTED, WHICH MAY BE TRUE; MEMBERS OF OTHER GROUPS ALSO HAVE BEEN ARRESTED, BUT UNLIKE MRPP HAVE NOT SOUGHT TO PUBLICIZE FACT; ALL SUCH OFFENSES FALL UNDER CIVILIAN JURISDICTION, AND VARIOUS LOCAL COURTS APPEAR TO BE PROCESSING CASES PROMPTLY; SENTENCES, WHEN IMPOSED, HAVE BEEN LIGHT OR SUSPENDED, IN OTHER CASES CHARGES HAVE BEEN DISMISSED.
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PAGE 01 LISBON 02258 02 OF 02 181903Z

43

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C O N F I D E N T I A L SECTION 2 OF 2 LISBON 2258

4. ATTITUDES OF PARTIES CONCERNED: NEITHER ARRESTEES, PUBLIC, NOR GOVERNMENTAL AUTHORITIES HAVE DISPLAYED CONSISTENT VIEWS ON WHAT SHOULD BE DONE:

(A) MRPP--COURTING MARTYRDOM, MRPP ARRESTEES HAVE ON OCCASION REFUSED TO BE RELEASED FROM PRISON, IMPOSING CONDITIONS ON JAILERS (THAT ALL MRPP MEMBERS BE GIVEN FREEDOM OR NONE WILL LEAVE) AND SEEKING PUBLICIZE CHARGES OF POOR PRISON FACILITIES, DISCOURTEOUS TREATMENT AT HANDS OF PRISON OFFICIALS, ETC.

(B) OTHER ELECTORAL LAW OFFENDERS--HAVE NOT SOUGHT PUBLICITY.
(C) MARCH 11/ELP ARRESTEES--WHEN MAKING STATEMENTS, HAVE SOUGHT TO DISASSOCIATE THEMSELVES FROM COUNTERREVOLUTIONARY ACTIVITIES.
(D) PIDE/DGS AGENTS--ONE SPECTACULAR PRISON MUTINY BEFORE SEPTEMBER 28, SEVERAL IMAGINATIVE ESCAPES, SILENCE IN LAST FEW MONTHS.
(E) COMMUNISTS AND FELLOW TRAVELING GROUPS--PROMOTERS OF "STATE OF SIEGE" MENTALITY, IN WHICH COUNTRY ALERTED REPEATEDLY AGAINST CONTINUING COUNTERREVOLUTIONARY MENACE.
(F) FAR LEFT--CALLS FOR SUMMARY EXECUTION OF THOSE INVOLVED IN MARCH 11 COUP.
(G) PPD, SOCIALISTS--OPPOSITION TO IDEA OF EXECUTIONS, SILENCE INSOFAR AS DEALING WITH PROBLEM OF SECRET POLICE IS CONCERNED.
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PAGE 02 LISBON 02258 02 OF 02 181903Z

(H) PRIME MINISTER GONCALVES (SPEAKING IN BEHALF OF ARMED FORCES MOVEMENT)--THERE WILL BE NO EXECUTIONS.
(I) PRISON GUARDS--SEE REF (C).
(J) MINISTER OF MASS COMMUNICATION CORREIA JESUINO--MARCH 11 ARRESTS WERE MADE, IN GENERAL, FOR PURPOSES OF INTERROGATION AND SHOULD CARRY NO STIGMA; MANY INVOLVED NO MORE THAN 24 HOURS' DETENTION.
(K) MINISTER JESUINO--(REFERRING TO SECRET POLICE AGENTS) MOST WILL BE SENTENCED TO CONSIDERABLY MORE THAN A YEAR'S IMPRISONMENT, THEREFORE PRESENT DETENTION (WITHOUT TRIAL OR CHARGE) IS NOT VERY SERIOUS.

5. HUMAN RIGHTS PROSPECTS FOR FUTURE: TOO MUCH OF THE UNEXPECTED HAS HAPPENED IN ONE SHORT YEAR TO WARRANT CONFIDENT PREDICTIONS AS TO WHAT WILL HAPPEN IN THE FUTURE, OR EVEN WHAT GENERAL TRENDS MIGHT DEVELOP. HOWEVER, TWO CRITICAL AREAS BEAR WATCHING:

(A) "REVOLUTIONARY LEGISLATION"--PRE-MARCH 11 NATIONAL SALVATION JUNTA WAS GIVEN SPECIAL LEGISLATIVE POWERS TO ENACT LAWS DEFINING ACTS CONSIDERED CRIMINAL RETROACTIVELY; THIS RESPONSIBILITY NOW LIES WITH REVOLUTIONARY COUNCIL, WHICH TO DATE HAS GIVEN NO SIGNAL THAT IT IS ABOUT TO ACT.
(B) MINISTRY OF JUSTICE--HEADED BY SOCIALIST LAWYER AND CIVIL LIBERTARIAN SALGADO ZENHA, IT HAS BEEN A BULWARK FOR PROTECTING LEGALITY AND INSISTING THAT JUSTICE INVOLVES PROCEDURES TO PROTECT RIGHTS OF THE INNOCENT AS WELL AS PUNISH THE GUILTY. IN FACE OF DELIBERATE COMMUNIST-INSPIRED MEDIA CAMPAIGN AGAINST HIS MINISTRY, ZENHA HAS STOOD UNYIELDING.

6. COMMENT: FIFTY YEARS OF DICTATORSHIP AND ECONOMIC STAGNATION HAVE NOT PREPARED PORTUGAL FOR INSTANT DEMOCRACY OR COMPREHENSION OF WHAT TERM "HUMAN RIGHTS" IS ALL ABOUT. CURRENT MILITARY LEADERS HAVE BEEN EITHER UNWILLING OR UNABLE TO FOCUS ON HUMAN RIGHTS QUESTIONS IN FACE OF MORE URGENTLY PERCEIVED PRIORITY OF TENDING TO POLITICAL AND ECONOMIC PROBLEMS CONFRONTING COUNTRY.

DEMOCRATIC POLITICAL PARTIES HAVE COUNTED FOR LITTLE SO FAR,
THEIR ATTENTIONS BEING FIXED ON ELECTORAL CAMPAIGN AND BATTLE
TO SURVIVE AS VIABLE FORCES.
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